



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 26, 2015
Certified Mail/Return
7012 3460 0003 1113 1847

Barry Elementary School
1512 Stewart Road
Yuba City, CA 95993

Attention: Thomas Butcher, Director of Maintenance

**Subject: Barry Elementary School, Public Water System No. 5100149 – Compliance
Order No. 21-15R-001 for Exceedance of the Arsenic Maximum Contaminant
Level.**

Dear Thomas Butcher,

Enclosed is an amended Compliance Order for arsenic that was originally issued to Barry Elementary School on January 5, 2009. The amended Order is being issued because a return to compliance date for the maximum contaminant level had not been set. Please read this Order carefully, paying special attention to the directives therein.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.

A handwritten signature in black ink, appearing to read "R. Crenshaw".

Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Barry Elementary School
Attn: Thomas Butcher, Director of Maintenance
1512 Stewart Road
Yuba City, CA 95991

**AMENDED COMPLIANCE ORDER FOR NONCOMPLIANCE OF THE ARSENIC
MAXIMUM CONTAMINANT LEVEL**

COMPLIANCE ORDER NO. 21-15R-001

Barry Elementary School

System No. 5100149

Issued: May 26, 2015

Section 116655 of Chapter 4 of Part 12 of Division 104 of the California Health and Safety Code (H&S Code) authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act or any regulation, standard, permit, or order issued thereunder.

1 The State Water Resources Control Board (hereinafter "Board"), acting by and
2 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
3 for the Division, hereby issues this compliance order (hereinafter "Order") pursuant
4 to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to
5 Barry Elementary School for violation of CHSC section 116655(a)(1) and title 22,
6 California Code of Regulations (hereinafter "CCR"), Section 64431.

7
8 **APPLICABLE AUTHORITIES**

9 Section 116555 of the CHSC states in relevant part:

10
11 *(a) Any person who owns a public water system shall ensure that the*
12 *system does all of the following:*

13 *(1) Complies with primary and secondary drinking water*
14 *standards.*

15 *(3) Provides a reliable and adequate supply of pure,*
16 *wholesome, healthful, and potable water.*

17
18
19 Section 116655 of the CHSC states in relevant part:

20
21 *(a) Whenever the department determines that any person has violated*
22 *or is violating this chapter, or any permit, regulation, or standard*
23 *issued or adopted pursuant to this chapter, the director may issue*
24 *an order doing any of the following:*

25 *(1) Directing compliance forthwith.*

26 *(2) Directing compliance in accordance with a time schedule set*
27 *by the department.*

1 (3) *Directing that appropriate preventive action be taken in the*
2 *case of a threatened violation.*

3
4 (b) *An order issued pursuant to this section may include, but shall not*
5 *be limited to, any or all of the following requirements:*

6 (1) *That the existing plant, works, or system be repaired,*
7 *altered, or added to.*

8 (2) *That purification or treatment works be installed.*

9 (3) *That the source of the water supply be changed.*

10 (4) *That no additional service connection be made to the*
11 *system.*

12 (5) *That the water supply, the plant, or the system be monitored.*

13 (6) *That a report on the condition and operation of the plant,*
14 *works, system, or water supply be submitted to the*
15 *department.*

16
17
18 Section 64431 of the CCR states in relevant part:

19
20 *Public water systems shall comply with the primary MCLs in table 64431-A:*

21 *(Specifically, Table 64431- A indicates a MCL for Arsenic of 0.010 mg/L)*

22
23 Section 64432 (i) of the CCR states in relevant part:

24
25 1. *Compliance with the MCLs shall be determined by a running annual*
26 *average (RAA); if any one sample would cause the annual average to*
27 *exceed the MCL, the system is immediately in violation.*

STATEMENT OF FACTS

The Barry Elementary School water system (hereinafter, "System") is a non-transient non-community water system located in Sutter County that supplies water for domestic purposes to approximately 650 persons. The System utilizes Well No. 2 as its source of domestic water. Beginning in 2006 to the present, arsenic levels from Well No. 2 have exceeded the 10.0 ppb MCL; ranging from 11.7 ppb to 34.7 ppb.

As shown in the most recent quarterly results below, Well No. 2 continues to produce water that exceeds the arsenic MCL.

Sample Quarter	Well No. 2
2 nd Quarter of 2014	11.8 ppb
3 rd Quarter of 2014	15.7 ppb
4 th Quarter of 2014	12.6 ppb
1 st Quarter of 2015	17.0 ppb
RAA	14.3 ppb

As a result of this violation, the System was issued Compliance Order Nos. 01-21-09(O)51007 and 01-21-09(O)51007A1(amended to require follow-through with funding opportunities), in January of 2009 and July of 2010, respectively.

While the System has complied with all the directives in these compliance orders, they do not contain a return to compliance date.

DETERMINATIONS

Based on the above Statement of Facts, The Division has determined that the System continues to violate Section 116555 of the CHSC, and Sections 64431 and 64432 of the CCR, in that the water produced by System's Well No. 2 continues to exceed the arsenic MCL.

DIRECTIVES

This compliance order amends the above referenced compliance orders as provided by the following directives:

1. On or before May 31, 2018, comply with the maximum contaminant levels specified in Sections 64431 and 64432 of the California Code of Regulations.
2. On or before June 30, 2015, and every three months thereafter, submit a quarterly progress report to the Division in the form provided as attachment 'A'.

All submittals required by this Order shall be addressed to:

Reese B. Crenshaw, P.E.
Valley District Engineer
Drinking Water Field Operations
Division of Drinking Water
State Water Resources Control Board
364 Knollcrest Drive, Suite 101
Redding, CA 96002
(530) 224-4800

1 Nothing in this Order relieves the System of its obligation to meet the requirements
2 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
3 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
4 thereunder.

5
6 The Division reserves the right to make such modifications to this Citation, as it may
7 deem necessary to protect public health and safety. Such modifications may be
8 issued as amendments to this Citation and shall be effective upon issuance.

9
10 **FURTHER ENFORCEMENT ACTION**

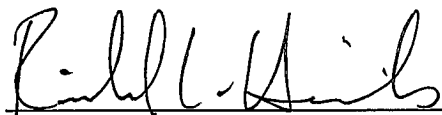
11 The California SDWA authorizes the Board to: issue citation with assessment of
12 administrative penalties to a public water system for violation or continued violation
13 of the requirements of the California SDWA or any permit, regulation, permit or order
14 issued or adopted thereunder including, but not limited to, failure to correct a
15 violation identified in a citation or compliance order. The California SDWA also
16 authorizes the Board to take action to suspend or revoke a permit that has been
17 issued to a public water system if the system has violated applicable law or
18 regulations or has failed to comply with an order of the Board; and to petition the
19 superior court to take various enforcement measures against a public water system
20 that has failed to comply with violates an order of the Board. The Board does not
21 waive any further enforcement action by issuance of this citation.

22
23 **PARTIES BOUND**

24 This Order shall apply to and be binding upon the System, its officers, directors,
25 agents, employees, contractors, successors, and assignees.

SEVERABILITY

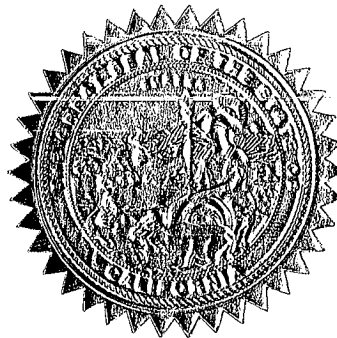
The directives of this Order are severable, and System shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.



Richard L. Hinrichs, P.E., Chief
Northern California Section
State Water Resources Control Board
Division of Drinking Water

5/26/2015

Date

**Attachments:**

'A' Quarterly Progress Report